



## DECLARATION OF MATTHEW JAY UNDER 37 CFR §1.132

Dear Sir:

I, Matthew Jordan Jay, declare that:

1. I am the inventor named in U.S. patent application Serial No. 10/749,545, filed on 31 December, 2003 ("the '545 application"), which is a continuation application of Serial No. 09/481,641, filed 12 January 2000 ("the '641 application"), both applications entitled Media Display System for Ski-Lift Chair.
2. I am a founder and currently President of Ripple Resort Media, Inc. of Aspen, Colorado, which manufactures media displays for ski-lift chairs according to the disclosure and claims of the '641 and '545 applications (hereinafter, "Ripple Resort media displays").
3. I am familiar with the official Office Action dated 15 March, 2006 in the '545 application and with the prior art references cited therein. I am for example familiar with U.S. Patent No. 5,685,095 issued to DeMasi (hereinafter, "DeMasi").
4. Ripple Resort media displays have enjoyed considerable commercial success. Over 2500 Ripple Resort media displays have been installed at the Aspen Mountain, Snowmass Mountain, Buttermilk, Aspen Highlands, Beaver Creek and Crested Butte ski resorts in the United States, and at one Harmony Resort ski resort in Japan. Ripple Resort Media, Inc. receives revenue from use of these Ripple Resort media displays.
5. The success of the Ripple Resort media displays is directly tied to claimed features in the '545 application.
  - a) For example, as in claim 1 of the '545 application, each Ripple Resort media display includes a body member forming a downwardly-facing, semi-cylindrical recess along a width of the body member so as to receive a lateral restraint of a ski-lift chair. At least one frame member mounts over a top surface of the body member, the at least one frame member forming a viewable region. The at least one frame member and the body member are configured for holding printed media between the at least one frame member and the body member.
  - b) As in claim 25 of the '545 application, when installed on a ski-lift chair each Ripple Resort media display includes a lateral restraint of the ski-lift chair. A body member forms a downwardly-facing, semi-cylindrical recess along a width of the body member that receives the lateral restraint. At least one frame member mounts over a top surface of the body member. Printed media is held between the at least one frame member and the body member.
6. I have conducted marketing research, in the United States and abroad, concerning media displays for ski-lift chairs. Such research has included visiting and/or contacting marketing officials of over fifty (50) ski areas in the United States. Prior to my visits and/or contacts, none of these ski areas had ever installed, or heard of, any type of media display for ski-lift chairs that was non-rotatably attached to the ski-lift chair.

7. A marketing test was conducted in connection with a chairlift at Snowmass Mountain during the 2000-2001 ski season. Prior to the test, rotating-tube type media displays (which were supplied by a different company and which were consistent with the disclosure of DeMasi) had been installed at Snowmass Mountain. In the test, alternating chairs of the chairlift were fitted with Ripple Resort media displays and the rotating-tube type media displays. Snowmass Mountain officials surveyed 21 chairlift users as to which type of media display system, or a paper trail map, was preferred by the riders:

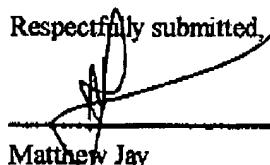
- a) In regard to the question, "Is the [Ripple Resort media display] easier to use than a paper trail map?"
  - i. 20 users strongly agreed that the Ripple Resort media display was easier to use than a paper trail map.
  - ii. 1 user agreed that the Ripple Resort media display was easier to use than a paper trail map.
  - iii. No users were neutral.
  - iv. No users agreed that a paper map was easier to use than the Ripple Resort media display.
- b) In regard to the question, "Is the [Ripple Resort media display] easier to use than the [rotating-tube type] media display?"
  - i. 14 users strongly agreed that the Ripple Resort media display was easier to use than the rotating-tube type media display.
  - ii. 5 users agreed that the Ripple Resort media display was easier to use than the rotating-tube type media display.
  - iii. 2 users were neutral.
  - iv. No users agreed that the rotating-tube type media display was easier to use than the Ripple Resort media display.

The outcome of the test resulted in Aspen Skiing Corporation discontinuing use of the rotating-tube type media display and awarding a contract to Ripple Resort Media, Inc. to supply the Ripple Resort media displays to all Aspen Skiing Corporation ski resorts (Aspen Mountain, Snowmass Mountain, Buttermilk and Aspen Highlands).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Respectfully submitted,

Dated: 7/17/04

  
Matthew Jay